IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 30792 of 2007(N)

PETITIONER:

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1. M.B.GOPALAKRISHNAN NAIR, AGED 37 YEARS,
   S/O.BALAKRISHNAN NAIR, MARUVATHANKAL,
   THANKAMANI KARA, THANKAMANI VILLAGE,
   UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

2. M.J.JOSEPH, AGED 42 YEARS,
   S/O.JOSEPH, MUNDAKKAL HOUSE,
   THANKAMANI KARA, THANKAMANI VILLAGE,
   UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

3. RAJAMMA BALAKRISHNAN,
   W/O.BALAKRISHNAN NAIR, AGED 69 YEARS,
   MARUVATHANKAL, THANKAMANI KARA, THANKAMANI
   VILLAGE, UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

BY ADV. SRI.T.MADHU
SRI.SAIN PAUL A

RESPONDENTS:

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1. THE SPECIAL DEPUTY TAHSILDAR,
   REVENUE RECOVERY, KSFE LTD., MD COMMERCIAL
   CENTER, KOTTAYAM.

2. THE REGIONAL MANAGER,
   KSFE LTD., ERNAKULAM, KOCHI-18.

3. THE MANAGER, KSFE LTD.,
   KATTAPPANA BRANCH, KATTAPPANA,
   IDUKKI DISTRICT.

BY SRI. ASOK M. CHERIAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C). NO. 30792 OF 2007

Dated this the 17th day of October, 2007

J U D G M E N T

Petitioners who had availed a loan from the KSFE Ltd., defaulted repayment of the same. When proceedings were initiated against them for recovery of amounts, the matter reached the Lok Adalat and Ext.P4 award was passed. By Ext.P4 award, petitioners were given time till 31.3.2008 to make the payment. Learned counsel for the petitioner contends that notwithstanding the same, there is a demand for repayment of money and revenue recovery proceedings have been initiated against the petitioners, as evidenced by Ext.P5.

2. After having heard learned counsel for the petitioner, learned Standing Counsel and the learned Government Pleader, I dispose of this writ petition with the following directions:

(i) Petitioner shall produce a certified copy of Ext.P4 Award before the 1st respondent along with a representation within two weeks from today. If the actual settlement, as evidenced by Ext.P4 is found to be correct, the 1st respondent shall give time to the petitioners to make the repayment in terms of Ext.P4 award.

(ii) A decision on the representation as aforementioned shall be taken, after giving notice to the petitioners and the 3rd respondent within one month from the date of receipt of a copy of this judgment.

(iii) The enforcement of Ext.P5 shall be kept in abeyance till the 1st respondent take a decision as aforementioned.

V.GIRI, JUDGE

vps